
**LABOR
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ON – THE – JOB

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Commissioner's Corner

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Safety - Our #1 Priority

Our desire here at the Commission is for every workplace to be safe from violence, injury or illness. This issue is dedicated to that cause with illustrations of not only those positive things that are being done, but some tragic examples of how workplace accidents have affected workers and their dependants. The Labor Commission is committed to promoting workplace safety.

With workplace violence presenting a steady concern throughout the nation, the Labor Commission has taken dramatic steps to improve security at the Commission offices and is committed to making the safety of our employees and visitors our top priority.

Workplace violence --including assaults and suicides-- accounted for 16% of all work-related fatal occupational injuries in 2003, according to new statistics just released by the U.S. Department of Labor, Bureau of Labor Statistics. Homicides are perennially among the top three causes of workplace fatalities for all workers. As indicated in their article entitled *"Work-related Homicides: The Facts"*, Eric Sygnatur and Guy Toscano note that, "Contrary to popular belief, the majority of these incidents are not crimes of passion committed by disgruntled coworkers and spouses, but rather result from robberies." Overall, work-related homicides have decreased 42% from 1994 to 2003. Non-fatal assaults and violent acts by persons accounted for less than 2% of all non-fatal injuries and illnesses in private industry in 2002, however, there were still almost 18,000 incidents of this nature resulting in time away from work.

The Commission currently has in place a Risk Control Committee to address security issues.

Upon their recommendation, and following a thorough security analysis, the number of entry ways leading into the Commission was reduced, thus allowing the Commission to monitor better access. Contingency and Emergency Operation plans were also established. All employees have received Violence in the Workplace training. Alarms have been installed and security officers are more frequently visible. We currently have a system using magnetic identification cards to limit access to non-public

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Long Term Effects on Injured Workers Can Be Devastating

By Joyce A. Sewell, Director - Industrial Accidents Division

In one split second, a work place injury can change the life of a healthy, capable worker and his family forever.

In 1998, a 40 year old steel worker we'll call "Tom", who made over \$800 per week, sustained a back injury while lifting a heavy object at work. Tom received the maximum of \$465 per week in lost wages from workers' compensation for several months while unable to return to work. Subsequently, he was able to return to work in a restricted duty capacity for several more months until his condition worsened. Tom then underwent surgery in 1999, and once again received the \$465 per week workers' compensation benefits while he recuperated from the surgery. Following that, he again returned to work. Tom was unable to continue work due to the job requirements and his inability to perform the work. He had less than a high school education and had performed heavy manual work all of his work life. He did, however, receive retraining and attempted self-employment in an art framing business.

In 2003, Tom was unable to continue his self-employment due to continual pain and the onset of diabetes. He was unable to adequately take care of his diabetes, due to his loss of any health care benefits. He was forced to give those up when he was unable to return to work with an employer that offered health care benefits.

The effects of his injury continued to grow. Not only was Tom unable to pay the medical bills associated with his injury and diabetes, but in addition, as a result of his loss of income, he was forced to give up his home. Luckily, and we use that term loosely, the pain medications for his back injury continued to be paid by the workers' compensation insurance carrier. Tom and his wife now live on Social Security and it is uncertain if he will ever be able to work again.



Thankfully, less than 10% of workers' compensation cases end up with the devastating effects of Tom's case. Most of the workers' compensation claims in Utah are medical only claims, or claims with a short time period of lost time. However, when an injury is serious, the long term effects can significantly impact the income of the injured worker and his/her family. In addition, there can be lasting psychological effects on the injured worker and his family, in addition to the physical problems associated with the disability.

Injuries can be devastating. The goal of the Labor Commission and the workers' compensation program is to reduce workplace injuries through our efforts in assisting both employers and employees in establishing a safe, healthy work environment. For more information on workplace safety and how to decrease accidents in the workplace, visit www.laborcommission.utah.gov

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Safety – Our #1 Priority

areas at the Commission, as well as all non-public areas of the building and the parking garage. We appreciate the efforts of the Risk Control Committee members for their commitment in making the Commission a safer place to work and do business.

We welcome your questions, comments, or concerns and ask you to please visit us on our website at www.laborcommission.utah.gov or call our office at (801) 530-6800.

Death in the Workplace

By Larry A. Patrick, Administrator Utah Occupational Safety & Health

An unfortunate reality we face in the Utah Occupational Safety and Health (UOSH) Division is death in the workplace. The UOSH role when a workplace death occurs is to determine if a violation of a Utah occupational safety and health law either caused or contributed to the fatality. We also want to determine actions UOSH or other employers can take to prevent similar occurrences. With that in mind, this article will look at an actual death in a Utah workplace.

A fellow Utahn lost his life in this accident. He lost the opportunity to see his children grow up, play with his grand-kids or enjoy a well-earned retirement. His family lost someone they dearly loved and depended on. His co-workers lost a dear friend. His employer lost a valued employee. In deference to the people personally involved and affected by this accident, I have taken some editorial license. "Sam" is not the real name of the man who lost his life and I will not provide the name of Sam's employer.

Background

Sam was a middle-aged man. He lived in a small town so he was well known to many in the town. He was an experienced electrician who had worked for the same employer for almost 20 years. He was a single parent with two kids. Ironically, he had been injured in a high voltage electrical accident early in his career and was limited in the type of work he could do - he was only allowed to work on de-energized equipment. The first accident had caused some permanent injuries and was seen as a contributing factor in the failure of his marriage. He viewed his job and his co-workers like most of us view our families - it wasn't a job, it was lifetime relationship.

The Accident

As is the case with many accidents, there were several events that contributed to the accident. There were two work locations involved. Although the locations were relatively close, the two crews could not see each other and the only means of communication were radios installed in

their trucks. The work involved making the connections required to provide electrical power through a transformer to a large irrigation pump.

Even though Sam and his partner were originally assigned to do the entire task, two co-workers who were doing "blue stake" work in the area offered assistance. The remaining work involved preparing both ends of a high voltage line for connection to the respective junction boxes. Each of the three cables in the high voltage line had to be connected to an "elbow" which was then plugged into the junction box. Sam and his partner were working on one end of the high voltage line, with the other two workers on the other end.

"The trend is certainly in the right direction, but a month like February 2005 occurs where we had four workplace fatalities and we recognize there is still much to do in fatality prevention."

One of Sam's supervisors was in the area and had stopped and talked with Sam and his partner just when they had completed the connections from the junction box to the pump. They told him they were going to take a break and then complete the work. The supervisor then drove to the other location to speak with one of the workers there about another task. While they were talking, the worker plugged the ungrounded "elbow" he was working on into the junction box that he thought was de-energized. When he felt the "flow" of the electricity, he realized the junction box was energized, got a hot stick from his truck and unplugged the "elbow" from the junction box.

Meanwhile, Sam and his partner had finished their break and started work to prepare their end of the high voltage line to be fitted with "elbows". Sam was holding two of the cables near his chest while his partner worked on the third. When the cable was mistakenly plugged into the energized junction box, Sam received an electrical shock and severe burns from the arc. His partner ran to the truck to get a hot stick to remove the cable from Sam. He removed the cable which had now been de-energized and immediately started CPR. EMT's

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arrived a short time later, but efforts to revive Sam failed.

Lessons Learned

As I read the report the UOSH investigator prepared, one word practically shouted at me. That word is ASSUME. Several assumptions were made and as a result Sam lost his life. One worker assumed that the electrical circuit was de-energized when it wasn't. It was assumed that all the workers knew the hazards associated with the task (i.e. energized high voltage electrical equipment). It was assumed that the men working at the other end of the line were on a break. Needless to say, the lesson learned here is not to make assumptions when the consequences can be severe.

A common trait of accidents is poor COMMUNICATIONS. The two work crews did not communicate well with each other. Perhaps the last minute addition of the second work crew contributed to the poor communications. Had the work originally been planned for multiple crews, hand-held radios may have been provided and used. A pre-task briefing may have been held to discuss the work and associated hazards. The lesson learned is that proper communications could have prevented this accident. The first work crew should have told the second crew that the junction box was energized. The second crew should have told the first crew the "elbow" was being connected to the junction box.

The final thing that stood out to me was that one of the workers was DISTRACTED. His supervisor was discussing another task with him and he admitted he was thinking about that task when he connected the "elbow" to the junction box. He failed to consider the potential consequences of his action before taking it as he might have done had he not been distracted. The lesson learned is that in the workplace we need to focus on the task at hand regardless of how many times we may have performed that action safely before.

Statistics and Trends

Author's note: These statistics only include those workplace fatalities which fall under UOSH jurisdiction. Fatalities from heart attacks in the workplace and most work-related traffic accidents

are examples of fatalities outside of UOSH jurisdiction.

In the past five years there has been an average of approximately 16 workplace fatalities per year. To date this fiscal year, Utah has had 10 workplace fatalities. The five leading causes of Utah workplace fatalities are Crushing (21.8%), Falls (21.2%), Electrical (12.1%), Explosion (7.0%) and Trenching (5.7%). In Construction the leading cause of fatalities is Falls and in General Industry the leading cause is Crushing.

In the past 25 years, Utah has averaged approximately 17.5 workplace fatalities per year, but, as noted above, the average over the past five years has declined to approximately 16 per year. The trend is certainly in the right direction, but when a month like February 2005 occurs, where we had 4 workplace fatalities, we recognize there is still much to do in fatality prevention.

Summary

Sam lost his life in this accident, but many others have also suffered. The worker who plugged the elbow into the energized junction box and the supervisor suffered trauma as a result of the accident. Undoubtedly, they will frequently replay the events of that day for as long as they live. Sam's partner not only lost a friend, but was severely burned.

Some might view the work that UOSH does as unnecessary and a burden to Utah employers. However, had Sam's employer followed the requirements of Utah's occupational safety and health laws, Sam might be alive today. I ask each of you who reads this to consider if a similar event could occur in your workplace and to take action to prevent it. If you need UOSH assistance, you can contact UOSH Compliance personnel at (801) 530-6901 with questions regarding occupational safety and health requirements or you can contact UOSH Consultation at (801) 530-6855 for a free hazards survey of your workplace.

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Pressure Vessel Safety

By Brian Haley – Chief Boiler Inspector



Please take a good look at the above picture! It illustrates what can happen to an air compressor when it is not properly maintained and inspected. And guess what? This one is probably just like the one that you may have in your garage! Of course, we have overemphasized the size of the pressure vessel to illustrate that a small vessel can turn into a large problem.

People all across this state and the United States live, work, and play around these units every day and don't even know it. These units are really controlled bombs, but the proper names are air receivers, storage tanks, air compressors, etc. They may look and seem harmless, but as you can see, they are anything but.

Every service station, car dealership, laundry mat, restaurant, dry cleaner, school and church, along with numerous other businesses and establishments, has a potential bomb on their hands.

Thus, we come to the beloved Boiler Inspector, envied and loved by all! All kidding aside, most people want nothing to do with us. However, the boiler/pressure vessel inspector plays a very

important role in preventing damage, to not only equipment and property, but serious or fatal injuries to employees and the general public. We report safety related problems, enforce safety codes, and instruct the owner/users on proper maintenance of boilers/pressure vessels. We also fill out reports of incidents and accidents, injuries, and deaths in various industries.

Unfortunately, these reports focus on tragedies that have occurred, violations that were not found, or otherwise not inspected by a commissioned inspector. These reports say nothing of the numerous inspections that were properly performed which were instrumental in preventing accidents and incidents.

Let's examine the handy dandy air compressor. Air compressors should have a regulator to control the air pressure, over pressure protection provided by the means of a safety relief valve, and finally, a drain valve on the very bottom of the air receiver.

That brings us to the problem with the compressor in our above picture. The air receiver has no drain valve to drain the water out. There is just a bull plug in the opening, thus causing the rusting out of the bottom of the air receiver. It also has no relief valve to prevent the air receiver from POW... exploding!

It is safe to say that this air receiver was never inspected by a National Board commissioned inspector, because if it had, it would not have been allowed to be used. Due to the fact that it is non ASME (code), and has no national board registration, the vessel would've had to be replaced. These requirements are mandated by state law.

For more information on the inspection and or safe operation of Boiler/Pressure Vessels, please contact the Labor Commission/Safety Division at (801)-530-6869 or come visit us online at www.laborcommission.utah.gov

The “Rules Corner”



Pursuant to authority granted by the Utah Legislature, the Commission is considering or has recently adopted the following substantive rules. If you have questions or concerns about any of these rules, please call the Labor Commission at 801-530-6953.

I. RULES UNDER CONSIDERATION:

R612-2-22 Industrial Accidents	Medical Records: Updates rules for release and use of medical records in workers' compensation proceedings, in light of federal HIPAA standards.	Approved by Advisory Council and discussed at Open Meeting. To be published Utah Bulletin on May 2.
R612-2-5 Industrial Accidents	Medical Fees: Updates Commission's fee schedule for medical providers in workers' compensation cases. Includes increased fees in "evaluation & management" and "physical medicine categories.	Approved by Advisory Council and discussed at Open Meeting. To be published Utah Bulletin on May 2.
R612-2-18 Industrial Accidents	Dental Treatment: Clarifies requirements and procedures for payment of treatment expenses for dental injuries in workers' compensation cases.	With modifications, approved by Advisory Council and discussed at Open Meeting. To be published in Utah Bulletin on May 2.
R614-1 UOSH	Occupational Safety & Health: The Commission is reviewing existing rules regarding 1) employer and employee responsibility; 2) safety committees; 3) emergency action plans; 4) emergency showers, bubblers and eye washers; and 5) personal protective equipment.	Initial discussion at Open Meeting in February. Held over for further discussion at Open Meeting on April 14.
R614-1-4 UOSH	Occupational Safety & Health: Grants variance regarding methods for construction, repair and demolition of tall chimneys.	Discussed at Open Meeting in February. To be published in Utah Bulletin on May 2.

II. RULES RECENTLY ADOPTED:

R616-3-3 Safety	Elevators and Escalators - incorporation of the 2004 edition of ASME A17.1 and the 2003 edition of ASME A18.1 safety codes for elevators and escalators	Effective February 2005
R616-2-3 Safety	Boilers and Pressure Vessels - incorporation of the 2004 edition of ASME Sections I, IV, VIII and B31-1. Also the incorporation of the NVIC (NB-23) December 31, 2004 edition.	Effective February 2005
Rule 612-4 Industrial Accidents	Premium Rates: Reduces premium assessment rate for Employers' Reinsurance Fund from 9.25% to	Effective December 2004.

	7.25%; leaves assessment rates for Uninsured Employers' Fund and Workplace Safety Account at .25%.	
R614-1 UOSH	Respiratory Standards: Adopts federal OSHA standards for respiratory 'fit-testing' and fall protection.	Effective December 2004.

Utah Court of Appeals Decisions

By Alan L. Hennebold, Deputy Commissioner

The Utah Court of Appeals recently issued decisions in three workers' compensation cases. Two of the Court of Appeal's decisions dealt with the Court's jurisdiction to review interim Commission orders. The Court's third decision addressed the "coming and going" rule.

In **Employers Reinsurance Fund v. Coats** (unpublished memorandum decision, Case No. 20041013-CA, filed March 3, 2005) the Commission had ruled in favor of Coats and then returned the case to the administrative law judge to consider attorneys fees. In **Target Trucking v. Labor Commission** (published memorandum decision, Case No. 20040920-CA, filed February 17, 2005), the Commission entered an interim finding that the claimant was permanently and totally disabled and returned the case to the administrative law judge to determine if the claimant could be rehabilitated. In both cases, the insurance carriers asked the Court of Appeals to review the Commission's decisions. In both cases, the Court concluded it lacked jurisdiction to review the Commission's decisions because they were not yet final.



In **Aqua Massage v. Labor Commission et al**, (unpublished memorandum decision, Case No. 20030965, filed March 24, 2005) the Court of Appeals affirmed the Labor Commission's determination that the claimant, who was injured in a traffic accident on his way from an office in his home to his employer's store, was entitled to workers' compensation benefits. The Court agreed with the Commission that the "coming and going rule," which ordinarily precluded payment of benefits for injuries suffered while traveling to and from work, does not apply when the claimant is traveling from one work site to another work site, even if one of those work sites is a home office.

Hispanic Outreach

By John Pete Groesbeck

During the past decade, the Utah Labor Commission has watched the growth of the state's Hispanic workforce. Bolstered by immigration from Mexico, Central America and South America, the state's Hispanic population, according to the U.S. Census, has grown from slightly over 2% in 1990 to over 12% in 2000. The estimates of the Hispanic population in Utah by 2020 range from 25% to 35%.

Reports received from state employers applaud the work ethic of these new residents, but raise concerns about the best practices for workplace safety and health and ways in which to bridge cultural and language barriers. The U.S. Bureau of Labor Statistics cites that industrial accidents resulting in deaths are 13% higher among Hispanic

compensation claims indicates that the frequency and severity of injuries is also higher among Hispanics.

To address these concerns, the Commission, through its workplace safety grants, is providing Spanish OSHA-certified workers' rights training to this valuable workforce. This training is currently available to the Hispanic community through the Utah Safety Council, and will be available by mid-2005 through a number of employer associations. The commission is also sponsoring OSHA certification of bilingual trainers through a grant to the Rocky Mountain Center for Occupational and Environmental Health. Employers are encouraged to have qualified bilingual employees to participate in this training. For information on training opportunities, please contact Pete Groesbeck at (801) 530-6800 or pgroesbeck@utah.gov.

workers than the rest of the workplace population. The Commission's experience with workers'